

AMENDED IN SENATE MAY 1, 2006

AMENDED IN SENATE MARCH 28, 2006

SENATE BILL

No. 1437

Introduced by Senator Kuehl

(Coauthors: Senators Bowen, Kehoe, and Migden)

(Coauthors: Assembly Members Goldberg, Laird, Leno, Pavley, and Yee)

February 22, 2006

An act to amend Sections 51204.5, 51500, 51501, 60040, and 60044 of the Education Code, relating to prohibited instruction.

LEGISLATIVE COUNSEL'S DIGEST

SB 1437, as amended, Kuehl. School instruction: prohibition of discriminatory content.

Existing law prohibits instruction or school sponsored activities that reflect adversely upon persons because of their race, sex, color, creed, handicap, national origin, or ancestry. Existing law prohibits the State Board of Education and the governing board of any school district from adopting textbooks or other instructional materials that contain any matter that reflects adversely upon persons because of their race, sex, color, creed, handicap, national origin, or ancestry.

This bill would revise the list of characteristics included in these provisions to include race or ethnicity, gender, disability, nationality, sexual orientation, and religion.

Existing law prohibits a governing board from adopting instructional materials that contain any matter reflecting adversely upon persons because of their race, color, creed, national origin, ancestry, sex, handicap, or occupation, or that contain any sectarian or denominational doctrine or propaganda contrary to law.

This bill would revise the list of characteristics included in this provision to include race or ethnicity, gender, disability, nationality, sexual orientation, religion, and occupation.

This bill also would make technical, nonsubstantive changes to those provisions of existing law.

Vote: majority. Appropriation: no. Fiscal committee: no.

State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 51204.5 of the Education Code is
2 amended to read:

3 51204.5. Instruction in social sciences shall include the early
4 history of California and ~~a~~ *an age-appropriate* study of the role
5 and contributions of both men and women, Black Americans,
6 American Indians, Mexicans, Asians, Pacific ~~Island~~ ~~people~~
7 *Islanders*, and other ethnic groups, and people who are lesbian,
8 gay, bisexual, or transgender, to the economic, political, and
9 social development of California and the United States of
10 America, with particular emphasis on portraying the role of these
11 groups in contemporary society.

12 SEC. 2. Section 51500 of the Education Code is amended to
13 read:

14 51500. No teacher shall give instruction nor shall a school
15 district sponsor any activity that reflects adversely upon persons
16 because of their race or ethnicity, gender, disability, nationality,
17 sexual orientation, or religion, *as those terms are defined in*
18 *Section 422.56 of the Penal Code.*

19 SEC. 3. Section 51501 of the Education Code is amended to
20 read:

21 51501. No textbook or other instructional materials shall be
22 adopted by the state board or by any governing board for use in
23 the public schools that contains any matter reflecting adversely
24 upon persons because of their race or ethnicity, gender,
25 disability, nationality, sexual orientation, or religion, *as those*
26 *terms are defined in Section 422.56 of the Penal Code.*

27 SEC. 4. Section 60040 of the Education Code is amended to
28 read:

29 60040. When adopting instructional materials for use in the
30 schools, governing boards shall include only instructional

1 materials which, in their determination, accurately portray *in an*
2 *age-appropriate manner* the cultural, racial, gender, and sexual
3 *orientation* diversity of our society, including:

4 (a) The contributions of both men and women in all types of
5 roles, including professional, vocational, and executive roles.

6 (b) The role and contributions of Native Americans, African
7 Americans, Mexican Americans, Asian Americans, European
8 Americans, and members of other ethnic and cultural groups to
9 the total development of California and the United States.

10 (c) The contributions of people who are lesbian, gay, bisexual,
11 or transgender to the total development of California and the
12 United States.

13 (d) The role and contributions of the entrepreneur and labor in
14 the total development of California and the United States.

15 SEC. 5. Section 60044 of the Education Code is amended to
16 read:

17 60044. No instructional materials shall be adopted by any
18 governing board for use in the schools that, in its determination,
19 contains:

20 (a) Any matter reflecting adversely upon persons because of
21 their race or ethnicity, gender, disability, nationality, sexual
22 orientation, ~~religion~~, or *religion, as those terms are defined in*
23 *Section 422.56 of the Penal Code* or occupation.

24 (b) Any sectarian or denominational doctrine or propaganda
25 contrary to law.